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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,793	12/20/2000	Katsutoshi Takata	001569	3847

23850 7590 11/26/2004

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/739,793

Applicant(s)

TAKATA, KATSUTOSHI

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/14/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Original claims 1-3 have been examined. The rejections are stated below.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy (US Patent 6,260,024 B1)

With reference to claim 1, Shkedy discloses a joint purchase counter auction system comprising: a server on an Internet site (See Shkedy Column 12 lines 56-59); a plurality of computers of registered merchandize sellers connected to the server over the Internet (See Shkedy Column 11 line 64 – Column 12 line 3); and a plurality of computers of purchasers connected to the Internet (See Shkedy Column 11 line 64 – Column 12 line 3); wherein the server includes: home page generation means for generating a home page on the server (See Shkedy Column 12 lines 63-65) and for displaying a joint purchase/sales condition offered by an arbitrary registered seller (See Shkedy Column 7 lines 28-33), including a minimum number of purchase reservations and a selling price of specified merchandize, and a term of the offer (See Shkedy Column 6 lines 3-15); counter means for counting up each application for purchase and displaying the number of purchase reservations at the home page (See Shkedy Column 13 lines 52-57); automatic e-mail sending means for disclosing the number

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of purchase reservations and the selling price offered by the arbitrary registered seller to other registered sellers on a predetermined date before the end of the term and for inviting them to offer new joint purchase/sales conditions (See Shkedy Column 6 lines 41-52); and comparison means for comparing new joint purchase/sales conditions offered in response to the invitation with the joint purchase/sales condition offered by the arbitrary registered seller (See Shkedy Column 17 lines 44-49); wherein the automatic e-mail sending means informs the purchase applicants of a conclusion of the joint purchase contract on the date when the term expires (See Shkedy Column 17 lines 50-54).

Shkedy does not explicitly teach the step wherein a better offer is displayed on a web page after comparison with a current offer.

Official notice is taken that the step of displaying the best current offer is old and well known in the art. For instance in securities trading the best offer price is displayed ahead of other offer prices to facilitate potential bidders/offerors to improve their offers in a timely manner. It would have been obvious to one with ordinary skill in the art at the time of invention to include this step to the invention of Shkedy. The combination of the disclosures taken as a whole suggests that it would have helped the bidders/offerors make more informed decisions and improve their offers in a timely manner.

With reference to claims 2 and 3, the features in these claims are old and well known in the art. These steps help a seller improve his/her offer, if there is better offer outstanding and it also helps publicize the best current offer to other potential sellers. It would have been obvious to one with ordinary skill in the art at the time of invention to include these steps to the invention of Shkedy. The combination of the disclosures taken as a whole suggests that it would have helped

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the bidders/offerors make more informed decisions and improve their offers in a timely manner.

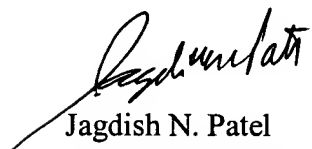
***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes to the Patent Office is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian  
November 20, 2004

 11/22/04  
Jagdish N. Patel  
Primary Examiner